



Entered on Docket  
June 09, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Hearing Date: May 8, 2008  
Hearing Time: 10:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT TO CLASSIFY  
CLAIM BY PECOS PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN  
CLASS A-7**

The USACM Liquidating Trust's Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership ("Pecos") in Plan Class A-7 (the "Motion") [DE 5122], came before the Court for hearing on May 8, 2008. The Court was fully briefed, considered the opposition filed [DE 5432], and heard oral argument on the matter. Being fully informed, and good cause appearing it is

**ORDERED**

That the Motion for Summary Judgment on USACM Liquidating Trust's Motion to Classify Claims filed by Pecos Professional Park Limited Partnership in Plan Class A-7 [DE 3081] is Granted for the reasons stated at the hearing;

Pecos Professional Park Limited Partnership proof of claim 10725-00751-1 as Amended by 10725-00751-2 and the disputed claim listed on the USACM Amended Schedules for Pecos is reclassified and included in Class A-7 as a Subordinated Claim under the confirmed Third Amended Joint Chapter 11 Plan of Reorganization.


The reclassified claim may be subject to further objection at a later date.

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**PREPARED AND SUBMITTED:  
LEWIS AND ROCA LLP**

**APPROVED/DISAPPROVED:  
KEHOE & ASSOCIATES**

By: /s/ RC (#0006593)  
Susan M. Freeman  
Rob Charles  
*Attorneys for USACM Liquidating Trust*

By:   
Ty E. Kehoe, Esq.  
871 Coronado Center Dr., Ste 200  
Henderson, NV 89052

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

Ty E. Kehoe *Attorney for Pecos Professional Park Limited Partnership*  
Approved/Disapproved

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)  
Susan M. Freeman  
Rob Charles  
*Attorneys for USACM Liquidating Trust*